

PUGET SOUND AIR POLLUTION CONTROL AGENCY

KING COUNTY

KITSAP COUNTY

PIERCE COUNTY

SNOHOMISH COUNTY

May 16, 1995

Certified Mail No. P 783 613 229

Ash Grove Cement Company  
c/o Edwin S. Pierce Jr., Reg. Agent  
3801 East Marginal Way South  
Seattle, Washington 98134

RECEIVED

MAY 17 1995

AGCW-SEATTLE

Dear Mr. Pierce:

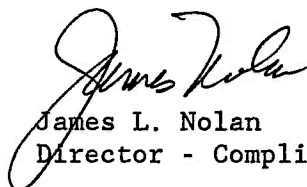
Ash Grove Cement Company  
Civil Penalty No. 8180 (amended)  
Notice of Disposition on Application for Relief from Penalty

Reference is made to your Request for Mitigation that this Agency received on April 17, 1995. Your request has been reviewed and the Agency agrees to remove Section 9.20 from the civil penalty. Therefore, enclosed is a copy of Civil Penalty No. 8180 (amended).

In accordance with RCW 43.21B.300 and 70.94.431, thirty (30) days after your receipt of this Notice of Disposition on Application for Relief from Penalty, the Civil Penalty becomes due and payable in the full amount of \$2,000.00 unless appealed to the Washington State Pollution Control Hearings Board (PCHB), with a copy of such appeal being presented to this Agency, within the aforementioned thirty (30) day period.

Also enclosed is a brochure, published by the PCHB, that is an informal guide to your rights and responsibilities in an appeal. If you have questions, or would like to discuss settlement of this penalty further, please call me at 689-4053.

Sincerely,

  
James L. Nolan  
Director - Compliance

lh

Enclosures

cc: Gerald J. Brown  
Manager, Safety & Environment  
Ash Grove Cement Company  
3801 East Marginal Way South  
Seattle, Washington 98134

Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Chairman: Win Granlund, Commissioner, Kitsap County  
Janet Chalupnik, Member at Large  
Edward D. Hansen, Mayor, Everett

Lynn S. Horton, Mayor, Bremerton  
R.C. Johnson, Councilman, Snohomish County  
Gary Locke, King County Executive

Harold G. Moss, Mayor, Tacoma  
Norman B. Rice, Mayor, Seattle  
Doug Sutherland, Pierce County Executive

PUGET SOUND AIR POLLUTION CONTROL AGENCY )  
a municipal corporation of the state of Washington )  
110 Union Street, Suite 500 )  
Seattle, Washington 98101-2038 )

VS )

ASH GROVE CEMENT COMPANY )  
c/o Edwin S. Pierce Jr., Registered Agent )  
3801 East Marginal Way South )  
Seattle, Washington 98134 )

NO. 8180  
\*AMENDED\*

NOTICE AND ORDER  
OF CIVIL PENALTY

You are hereby notified that, pursuant to RCW 70.94, you have violated Regulation I of the Puget Sound Air Pollution Control Agency and a penalty of \$2,000.00 is assessed against you. The violations are as follows:

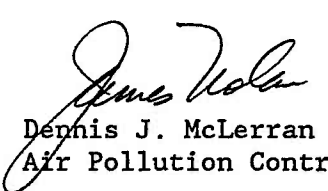
On or about the 23rd day of January 1995, in King County, state of Washington, you violated Sections\* 9.11(a) and 9.15(c) of Regulation I. Section 9.11(a) states: "It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property." Section 9.15(c) states: "It shall be unlawful for any person to cause or allow the emission of fugitive dust from any refuse burning equipment, fuel burning equipment, equipment used in a manufacturing process, or control equipment."

<u>Time</u>	<u>Description</u>	<u>N/V #</u>
3:00 p.m.	Caused or allowed the fallout and subsequent deposition of raw feed on neighboring property that was detrimental to persons/property; and caused or allowed the emission of fugitive dust from the upper and lower cowl of the east end of the kiln during startup at 3801 East Marginal Way South in Seattle, Washington.	32844

Such penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for appeal procedures.)

If such penalty is not paid on or before the last mentioned date, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 16th day of May 1995.

  
Dennis J. McLerran  
Air Pollution Control Officer

Certified Mail No. P 783 613 229

AGCS2M000306

# ASH GROVE CEMENT COMPANY



"WESTERN REGION"

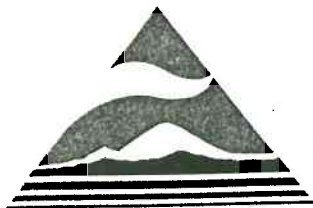
3801 EAST MARGINAL WAY, SOUTH  
SEATTLE, WA 98134  
PLANT OFFICE: (206) 623-5596  
FAX: (206) 623-5355

## TELECOPIER TRANSMISSION REPORT

DATE: 5-16-95  
TO: Kew Rove  
COMPANY: \_\_\_\_\_  
FROM: Ed Pierce  
SUBJECT: PSAPCA NOV's 11-93 to 1-95  
NUMBER OF PAGES (including cover): 8



AGCS2M000307



PUGET SOUND AIR POLLUTION CONTROL AGENCY  
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

RECEIVED

May 11, 1995

MAY 12 1995

AGCW-SEATTLE

Gerald Brown  
Manager, Safety & Environmental  
Ash Grove Cement Company  
3801 E. Marginal Wy S.  
Seattle, WA 98134

Dear Mr. Brown:

**Notices of Violation No. 32848, 32849, 32850,  
33657, 33658, and 33659**

Enclosed are the Notices of Violation as recorded in Table 4 of the Ash Grove Cement Company letter dated March 29, 1995. The citations have been issued for CEM Violations of opacity, sulfur dioxide, nitrogen dioxide, and carbon monoxide. These notices cover the period of November 1993 through January 1995.

If you would like to schedule an office conference at PSAPCA to discuss these Notices of Violation, please submit a written request in within thirty days of receipt of the violations.

Thank you for your cooperation in this matter.

Sincerely,

Elizabeth M. Gilpin  
Air Pollution Inspector

cc: David S. Kircher, PSAPCA  
Jay M. Willenberg, PSAPCA  
Fred L. Austin, PSAPCA  
Rosemary G. Busterna, PSAPCA

EMG/cbc

Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Chairman: Win Granlund, Commissioner, Kitsap County  
Janet Chalupnik, Member at Large  
Edward D. Hansen, Mayor, Everett

Lynn S. Horton, Mayor, Bremerton  
R.C. Johnson, Councilman, Snohomish County  
Gary Locke, King County Executive

Harold G. Moss, Mayor, Tacoma  
Norman B. Rice, Mayor, Seattle  
Doug Sutherland, Pierce County Executive

110 Union Street, Suite 500, Seattle, Washington 98101-2038

(206) 343-8800

(800) 552-3565

AGCS20000308  
Printed on recycled paper

# PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038

206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. 2704780129

No. 32850

## NOTICE OF VIOLATION

Date of Violation: Nov '93 through Jan '95 per attached table #4, 19   at    m.

Name <u>Ash Grove Cement Co.</u>		Responsible Person, Title <u>Gerry Brown Environm. Manager</u>	
Location of Violation (Address) <u>3801 E. Marginal Wy So.</u>		City <u>Seattle</u>	Zip <u>98134</u>
Mailing Address <u>" "</u>		City, State <u>Seattle, Wa.</u>	County <u>King</u>
		Zip <u>"</u>	Phone <u>(206) 623-5596</u>

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION    OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 6.09(b) Failure to meet conditions of an Order of Approval.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.04 Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Section
- ☐ Section

FACTS ALLEGED TO CONSTITUTE A VIOLATION Failure to meet the requirements of condition number 6(c) Notice of Construction number 5730: SO<sub>2</sub> 180 ppm 10% O<sub>2</sub> 1 hr. Ave. Four exceedences total.

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Develop procedures and operate equipment to ensure continuous compliance

Issued By

Elizabeth Dufur

Date/Time

5/11/95

Received By

Signing this Notice is not an admission of guilt

AGCS2M000309



# PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038

206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. 270478029

No. 32849

## NOTICE OF VIOLATION

Date of Violation: Nov. '93 through Jan 95 per attached table #4, 1995 at                      m.

Name <u>Ash Grove Cement Co.</u>		Responsible Person, Title <u>Gerry Brown Environm. Manager</u>	
Location of Violation (Address) <u>3801 E Marginal Wy So.</u>	City <u>Seattle</u>	Zip <u>98134</u>	County <u>King</u>
Mailing Address <u>" "</u>	City, State <u>Seattle, Wa.</u>	Zip <u>"</u>	Phone <u>(206) 623-5596</u>

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION                      OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 6.09(b) Failure to meet conditions of an Order of Approval.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.04 Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Section
- ☐ Section

FACTS ALLEGED TO CONSTITUTE A VIOLATION Failure to meet the 10% opacity standard  
in 40 CFR 60 subpart F standards of performance for Portland Cement  
plants on special condition #4 NC # 5730

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Develop procedures and operate equipment to ensure continuous compliance

Issued By Elizabeth [Signature]

Date/Time 5/1/95

Received By                     

Signing this Notice is not an admission of guilt.

AGCS2M000310

# PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038

206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. 2-704780129

No. 32848

## NOTICE OF VIOLATION

Date of Violation: Nov '93 through Jan 95 per attached table #4, 1995 at \_\_\_\_\_ m.

Name <u>Ash Grove Cement Co.</u>	Responsible Person, Title <u>Gerry Brown Environm. Manager</u>		
Location of Violation (Address) <u>3801 E Marginal Wy So.</u>	City <u>Seattle</u>	Zip <u>98134</u>	County <u>King</u>
Mailing Address <u>3801 E. Marginal Wy. So.</u>	City, State <u>Seattle, Wa.</u>	Zip <u>98134</u>	Phone <u>(206) 623-5596</u>

### DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION I OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 6.09(b) Failure to meet conditions of an Order of Approval.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.04 Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☒ Section 9.09(b)(2) emissions of air contaminants as determined by a CEM may not exceed 5% opacity for 1 hr.
- ☐ Section \_\_\_\_\_

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or allowing emissions from the main baghouse stack that exceeded the standard 41 times as documented in the 3/29/95 Ash Grove letter table #4.

### CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

develop procedures and operate equipment to ensure continuous compliance.

Issued By [Signature]

Date/Time 5/11/95

Received By \_\_\_\_\_  
Signing this Notice is not an admission of guilt  
AGCS2M000311

**PUGET SOUND AIR POLLUTION CONTROL AGENCY**

110 Union Street, Suite 500, Seattle, Washington 98101-2038

206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. 2704780129

No. **33659**

**NOTICE OF VIOLATION**

Date of Violation: Nov. '93 through Jan. '95 per attached table # 4 19   at                      m.

Name  <u>Ash Grove Cement Co.</u>		Responsible Person, Title  <u>Gerry Brown Environm. Manager</u>	
Location of Violation (Address)  <u>3801 E Marginal Wy. So.</u>		City  <u>Seattle</u>	Zip  <u>98134</u>
Mailing Address  <u>" "</u>		City, State  <u>Seattle, WA.</u>	County  <u>King</u>
		Zip  <u>98134</u>	Phone  <u>(206) 632-5596</u>

**DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:**

REGULATION                      OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 6.09(b) Failure to meet conditions of an Order of Approval.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.04 Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Section
- ☐ Section

**FACTS ALLEGED TO CONSTITUTE A VIOLATION** Failure to meet the requirements of  
Condition number 6(A) Notice of Construction number 57301; CO 1049 ppm  
10% O<sub>2</sub> 8 hr Ave. 15 exceedences total.

**CORRECTIVE ACTION ORDER**

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Develop procedures and operate equipment to ensure continuous  
compliance

Issued By *Elizabeth Kipps*

*Slilas*  
Date/Time *EX*

Received By                     

Signing this Notice is not an admission of guilt  
**AGCS2M000312**



**PUGET SOUND AIR POLLUTION CONTROL AGENCY**

110 Union Street, Suite 500, Seattle, Washington 98101-2038

206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. 270478029

No. **33658**

**NOTICE OF VIOLATION**

Date of Violation: Nov. '93 through Jan. '95 per attached table #4 at \_\_\_\_\_ m.

Name  <u>Ash Grove Cement Co.</u>		Responsible Person, Title  <u>Gerry Brown Environm. Manager</u>	
Location of Violation (Address)  <u>3801 E. Marginal Way So.</u>		City <u>Seattle</u>	Zip <u>98134</u>
Mailing Address  " "		City, State <u>Seattle, Wa.</u>	Phone <u>(206) 632-5596</u>

**DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:**

REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION ~~CONTROL~~ AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 6.09(b) Failure to meet conditions of an Order of Approval.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.04 Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Section \_\_\_\_\_
- ☐ Section \_\_\_\_\_

**FACTS ALLEGED TO CONSTITUTE A VIOLATION** Failure to meet the requirements of  
Condition number 6(B) Notice of construction number 5730: LNOx 501 ppm 10%  
O<sub>2</sub> 24 hr Ave. 8 exceedences total

**CORRECTIVE ACTION ORDER**

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Develop procedures and operate equipment to ensure continuous  
compliance

Issued By Clifford L. Lippman

5/11/95  
Date/Time CL

Received By \_\_\_\_\_

Signing this Notice is not an admission of guilt

**PUGET SOUND AIR POLLUTION CONTROL AGENCY**

110 Union Street, Suite 500, Seattle, Washington 98101-2038

206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339  
 Cert. Mail No. 270478029

No. 33657

**NOTICE OF VIOLATION**

Date of Violation: Nov '93 through Jan '95 per attached table #4, 19\_\_ at \_\_.m.

Name  <u>Ash Grove Cement Co.</u>		Responsible Person, Title  <u>Gerry Brown Environm. Manager</u>	
Location of Violation (Address)  <u>3801 E. Marginal Wy. So.</u>	City  <u>Seattle</u>	Zip  <u>98134</u>	County  <u>King</u>
Mailing Address  <u>"</u>	City, State  <u>Seattle, Wa.</u>	Zip  <u>"</u>	Phone  <u>(206) 632-5596</u>

**DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:**

REGULATION \_\_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 6.09(b) Failure to meet conditions of an Order of Approval.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.04 Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Section \_\_\_\_\_
- ☐ Section \_\_\_\_\_

**FACTS ALLEGED TO CONSTITUTE A VIOLATION** Failure to meet the requirements of  
Condition Number 6(B) Notice of Construction Number 5730: NO<sub>x</sub> 700 ppm 10%  
O<sub>2</sub> 1 hr Ave. 102 exceedences total.

**CORRECTIVE ACTION ORDER**

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Develop procedures and operate equipment to ensure continuous compliance

Issued By [Signature]  
 Form No. 70-119 (Revised 9/93)

5/11/95  
 Date/Time CS

Received By \_\_\_\_\_  
 Signing this Notice is not an admission of guilt  
**AGCS2M000314**

PUGET SOUND AIR POLLUTION CONTROL AGENCY  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY  
c/o Edwin S. Pierce Jr., Registered Agent  
3801 East Marginal Way South  
Seattle, Washington 98134

NO. 8180

RECEIVED  
APR 11 1995  
AGCW - SEATTLE

NOTICE AND ORDER  
OF CIVIL PENALTY

You are hereby notified that, pursuant to RCW 70.94, you have violated Regulation I of the Puget Sound Air Pollution Control Agency and a penalty of \$2,000.00 is assessed against you. The violations are as follows:

On or about the 23rd day of January 1995, in King County, state of Washington, you violated Sections 9.11(a), 9.15(c), and 9.20 of Regulation I. Section 9.11(a) states: "It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property." Section 9.15(c) states: "It shall be unlawful for any person to cause or allow the emission of fugitive dust from any refuse burning equipment, fuel burning equipment, equipment used in a manufacturing process, or control equipment." Section 9.20 states: "(a) It shall be unlawful for any person to cause or allow the operation of any features, machines or devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to Article 6 of Regulation I unless such features, machines or devices are maintained in good working order. (b) It shall be unlawful for any person to cause or allow the operation of any equipment as defined in Section 1.07 or control equipment not subject to Section 9.20(a) unless the equipment or control equipment is maintained in good working order."

<u>Time</u>	<u>Description</u>	<u>N/V #</u>
3:00 p.m.	Caused or allowed the fallout and subsequent deposition of raw feed on neighboring property that was detrimental to persons/property; caused or allowed the emission of fugitive dust from the upper and lower cowl of the east end of the kiln during startup; and caused or allowed the plugging of the 2nd stage calcine preheater at 3801 East Marginal Way South in Seattle, Washington.	32844

Such penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for appeal procedures.)

If such penalty is not paid on or before the last mentioned date, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 10th day of April 1995.

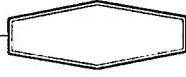
  
Dennis J. McLerran  
Air Pollution Control Officer

Certified Mail No. P 112 430 561

AGCS2M000315



# ASH GROVE CEMENT COMPANY



"WESTERN REGION"

April 13, 1995

Mr. James Nolan  
Puget Sound Air Pollution Control Agency  
110 Union Street, Suite 200  
Seattle, WA. 98119-3958

Request for "Mitigation"  
NOTICE AND ORDER OF CIVIL PENALTY No. 8180

Dear Mr. Nolan,

Ash Grove Cement Company firmly believes that the January 23, 1995 event should have been considered unavoidable under WAC 173-400-107 for reasons stated in previous correspondence to PSAPCA. (Please refer to: Mr. Fernow's letter of April 6, 1995 and Mr. Brown's letter of February 3 to Fred Austin)

In the spirit of settlement, however, Ash Grove is willing to agree to the proposed penalty provided that PSAPCA revises the Notice and Order of Civil Penalty No. 8180 to withdraw the allegation that Ash Grove violated Section 9.20 of Regulation I. PSAPCA has no basis for alleging that Ash Grove failed to maintain its equipment in good working order. Ash Grove believes this reference to be misleading, unfounded and a misrepresentation of the true condition and method of operation of the Seattle Plant.

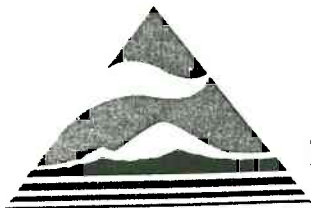
Ash Grove recognizes and sincerely regrets that this event occurred. We have and will continue to maintain our equipment according to the highest industry standards and operate the Seattle Plant with the greatest regard for our neighbors and our community.

Sincerely,

Gerald J. Brown  
Manager, Safety and Environment

Copy: E. Pierce  
H. Steuch  
M. Cohen





PUGET SOUND AIR POLLUTION CONTROL AGENCY  
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

April 18, 1995

Rec'd  
4-24-95  
ESP

Ash Grove Cement Company  
c/o Gerald J. Brown, Manager, Safety & Environment  
3801 East Marginal Way South  
Seattle, WA 98134

Dear Mr. Brown:

Ash Grove Cement Company  
Application for Relief (Remission or Mitigation)  
Notice and Order of Civil Penalty No. 8180

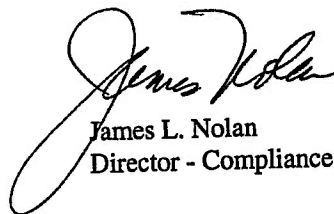
This is to acknowledge receipt by this Agency of the aforementioned Application for Remission or Mitigation on April 17, 1995. The appeal process is suspended until the Agency responds to your application.

The Application will be evaluated pursuant to the requirement of Section 3.11(c) of PSAPCA's Regulation I that provides:

*"Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty."*

A Notice of Disposition on the Application for Relief from Penalty will be forthcoming. Thank you.

Very truly yours,

  
James L. Nolan  
Director - Compliance

JLN:dly

cc: Laurie Halvorson/Agency Counsel  
Accounting  
Elizabeth Gilpin  
Rosemary Busterna

Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Chairman: Win Granlund, Commissioner, Kitsap County  
Janet Chalupnik, Member at Large  
Edward D. Hansen, Mayor, Everett

Lynn S. Horton, Mayor, Bremerton  
R.C. Johnson, Councilman, Snohomish County  
Gary Locke, King County Executive

Harold G. Moss, Mayor, Tacoma  
Norman B. Rice, Mayor, Seattle  
Doug Sutherland, Pierce County Executive

110 Union Street, Suite 500, Seattle, Washington 98101-2038 ▲ (206) 343-8800 ▲ (800) 552-3565 ▲

FAX (206) 343-7522  
AGCS2M000317  
printed on recycled paper